IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.37680 of 2008

BALI YADAV

Versus

STATE OF BIHAR

- - - -

2. 3.9.2008 Heard.

This petition has been filed for correction in the name of the petitioner Bali Yadav and accordingly the correction as regards the order dated 18.7.2008 passed in Cr. Misc. No. 6819 of 2008 in its cause title which also contains Bali Yadav, is sought. The reason for seeking the correction is that on being directed to be released by this Court by the aforesaid order the petitioner filed a bond in the court below describing himself as Bali Ydav alias Ram Bali Yadav and correctly putting his parentage and other details but the learned Magistrate before whom the case is pending refused to accept the bond on the ground that the petitioner was only Ram Bali Yadav and not Bali Yadav and as such this Court's order was not correct and required rectification. This Court is not happy about

WEB COPY NOT OFFICIAL

the way the bond was not accepted by the learned Magistrate who had also the rejection order before him passed by the Additional Sessions Judge, Gaya in B.P. No. 5 of 2008/3822 of 2007 and that also described the petitioner as Bali Yadav at all relevant places. Besides, the petitioner had filed an affidavit along with the bond in which he has duly described himself as Bali Yadav alias Ram Bali Yadav and there could not be any reasonable or acceptable ground for not accepting the bond and directing the petitioner to get the order corrected. This appears a case of illegally keeping a person in confinement in spite of there being an order in his favour for release.

WEB COPY NOT OFFICIAL

The court below shall forthwith release the petitioner on the same bond which was filed by him and shall at the same time submit an explanation through the District and Sessions Judge, Gaya, who shall send the same to me personally on the administrative side.

This order has to be communicated to the court below i.e., Sri D. S. Srivastava, Judicial Magistrate, Ist Class,Gaya, in

Fatehpur P.S.Case No. 82 of 2003 as also the District and Sessions Judge Gaya, through fax at the cost of the Court.

Kanth

(Dharnidhar Jha, J.)

WEB COPY NOT OFFICIAL